

FIRST REGULAR SESSION

# SENATE BILL NO. 355

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Read 1st time February 11, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1861S.011

## AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to motor vehicle administrative fees.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 301, RSMo, is amended by adding thereto one new section, to be known as section 301.558, to read as follows:

**301.558. 1. A motor vehicle dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle if the motor vehicle dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents.**

**2. A motor vehicle dealer may charge an administrative fee in connection with the sale or lease of a new or used motor vehicle for the storage of documents or any other administrative or clerical services not prohibited by this section. A portion of the administrative fee may result in profit to the motor vehicle dealer.**

**3. No motor vehicle dealer that sells or leases new or used motor vehicles and imposes an administrative fee of less than two hundred dollars in connection with the sale or lease of a new or used vehicle for the storage of documents or any other administrative or clerical services shall be deemed to be engaging in the unauthorized practice of law. The two-hundred-dollar fee limit imposed under this subsection shall be adjusted annually based on the rate of inflation according to the consumer price index.**

**4. If an administrative fee is charged under this section, the administrative fee shall be charged to all retail customers, unless prohibited by the motor vehicle dealer's franchisor, and disclosed on**

22 the retail buyer's order form as a separate itemized charge.

23           5. A preliminary worksheet on which a sale price is computed  
24 and that is shown to the purchaser, a retail buyer's order form from the  
25 purchaser, or a retail installment contract shall include, in reasonable  
26 proximity to the place on the document where the administrative fee  
27 authorized by this section is disclosed, the amount of the  
28 administrative fee and the following notice in type that is bold-faced,  
29 capitalized, underlined, or otherwise conspicuously set out from the  
30 surrounding written material:

31           "AN ADMINISTRATIVE FEE IS NOT AN OFFICIAL FEE  
32           AND IS NOT REQUIRED BY LAW BUT MAY BE CHARGED  
33           BY A DEALER. THIS ADMINISTRATIVE FEE MAY  
34           RESULT IN A PROFIT TO DEALER. NO PORTION OF  
35           THIS ADMINISTRATIVE FEE IS FOR THE DRAFTING,  
36           PREPARATION, OR COMPLETION OF DOCUMENTS OR  
37           THE PROVIDING OF LEGAL ADVICE. THIS NOTICE IS  
38           REQUIRED BY LAW."

39           6. Any actions by a court in this state to award or impose  
40 damages upon a motor vehicle dealer based on the charging of an  
41 administrative fee, or any such damages assessed by a jury against a  
42 motor vehicle dealer, when such motor vehicle dealer is in compliance  
43 with this section, are hereby declared to be null and void.

44           7. The general assembly believes that an administrative fee  
45 charged in compliance with this section is not the unauthorized  
46 practice of law or the unauthorized business of law. Recognizing,  
47 however, that the judiciary is the sole arbitrator of what constitutes  
48 the practice of law, in the event that a court determines that an  
49 administrative fee charged in compliance with this section is the  
50 unauthorized practice of law or the unauthorized business of law, then  
51 no person who paid that administrative fee may recover said fee or  
52 treble damages, as permitted under section 484.020, RSMo, and no  
53 person who charged that fee shall be guilty of a misdemeanor, as  
54 provided under section 484.020, RSMo.

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